IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

**CRIMINAL WRIT PETITION NO.1870 OF 2004.**

1. Merchant Ivory Products Ltd.
2 Shri Ismail Merchant .. Petitioners.
V/s
Mr. Yatender Sukhbir Verma & Anr. ..Respondents.

Mr. S.V. Marwadi for the petitioners.

Miss Sharmilli S. Kaushik for respondent no.1.

Mrs. M.H. Mhatre, APP for the State,.

**CORAM : S.C. DHARMADHIKARI, J.**

**DATE : 17TH OCTOBER, 2006.**

P.C.

. Mr. Marwadi pointed out that petitioner No.2 has expired.

2. It appears that notice was issued of this petition after ad interim order was passed restraining authorities from arresting the petitioner No.2. There does not appear to be any restraint as far as investigation is concerned and taking steps as are permissible in law in pursuance thereof. There is no report on record about the investigation/further investigation. In such circumstances and when

petitioner No.2 has expired, no fruitful purpose will be served by going into the rival contentions. As and when the authorities file the report before the concerned Magistrate, it would be open for the petitioner to raise all contentions as are permissible in law, including urging the grounds in the petition. Petition is disposed of by reserving all remedies to petitioner No.1 and keeping open all contentions therein. If the report after investigation under Section 156(3) as directed by the trial Court is not yet submitted then the same shall be submitted within a period of 4 weeks from today.

**( S.C. DHARMADHIKARI, J.)**